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10/596,358	09/14/2006	Takahiro Ohashi	86295(308246)	5623
10/1983	7590	05/08/2012		
Edwards Wildman Palmer LLP P.O. Box 55874 Boston, MA 02205				
EXAMINER				
ROWLAND, STEVE				
ART UNIT		PAPER NUMBER		
3718				
NOTIFICATION DATE		DELIVERY MODE		
05/08/2012		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/596,358

Applicant(s)

OHASHI ET AL.

Examiner

STEVE ROWLAND

Art Unit

3718

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-5 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-5 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF-133)
Paper No(s)/Mail Date 03/14/2012
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

1. This action is responsive to Applicant's communication filed on 03/14/2012.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al (US 2005/0043089 A1) (hereinafter "Nguyen").**

Regarding claim 5, Nguyen teaches a master apparatus as a predetermined reception destination in a card game system comprising a plurality of apparatuses including the master apparatus (§ [0064]), a master reception device configured to receive the game information transmitted from each of the plurality of game apparatuses (§ [0121]: *gaming unit reports scores to tournament server*), a start determination device configured to determine whether to start a specific time during an ongoing game (360: *server creates admission ticket containing player information and start/stop time*), a permission device configured to make the master reception device reject reception of the game information at the master reception device until the start determination device determines to start a specific time (370: *server receives admission request from player*), and configured to transmit the time information to the plurality of game apparatuses including the master apparatus (§ [0108]: *tournament server enables gaming unit once designated time slot arrives*) and permit the master reception device

Art Unit: 3718

to receive the game information from a card used by a when the start determination device determines to start the specific time during the ongoing game (374: *allow player to play games*), a device configured to execute game progress processes based on the game information received during the specific time during the ongoing game from the game apparatuses including the master apparatus so that the game information affects a result of the ongoing game (§ [0089]: *player plays games and accumulates a score with tournament server*) and a rejection device configured to make the master reception device reject the reception again when the elapse time determination device determines that the set time elapses (§ [0109]: *tournament server may disable gaming unit at end of predetermined time period*).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 3718

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3 are rejected 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US 2005/0043089 A1) (hereinafter “Nguyen”) in view of Blatter et al (US 2005/0192089 A1) (hereinafter “Blatter”).

Regarding claim 1, Nguyen teaches a card game system (Abstract), comprising a plurality of game apparatuses, each of which functions as either a master apparatus configured to control a game (§ [0064]: *tournament server*) or a terminal apparatus configured to perform a process accordance with indications from the master apparatus (§ [0064]: *gaming units*), the plurality of game apparatus being connected to each other so as to transmit and receive data to and from each other (Fig. 1), wherein when one of the plurality of game apparatuses is set as the master apparatus, the game apparatuses other than the game apparatus set as the master apparatus are set to the terminal apparatuses (§ [0064]: *the tournament server may be implemented by one of the gaming units*), the game apparatus set as the master apparatus has a master reception device configured to receive the game information transmitted from each of the plurality of game apparatus (§ [0121]: *gaming unit reports scores to tournament server*), a start determination device configured to determine whether to start a specific time during an ongoing game (§ [0108]: *tournament server enables gaming unit once designated time slot arrives*), a permission device configured to make the master reception device reject to receive the game information at the master reception device until the start determination device determines to start the specific time during the ongoing game (370: *server receives admission request from player*), and configured to transmit time information to the plurality of game apparatuses including the game apparatus set as the master apparatus (§ [0108]: *tournament server enables gaming unit once designated time slot arrives*) and permit the master reception device to receive the game information when the start determination device determines to start a specific

Art Unit: 3718

time during the ongoing game (374: *allow player to play games*), an elapse time determination device configured to determine whether a time set as the specific time in advance elapses after the permission device permits the reception of the game information (§ [0109]: *end of time segment*), a rejection device configured to make the master reception device reject the reception again when the elapse time determination device determines that the set time elapses (§ [0109]: *tournament server may disable gaming unit at end of time slot*), and a device configured to execute game progress processes based on the game information received during the specific time from the game apparatuses including the game apparatus set as the master apparatus so that the game information affects a result of the ongoing game (§ [0089]: *player plays games and accumulates a score with tournament server*), and each of the plurality of game apparatuses has a device configured to, when receiving the timing information, make a player use a card to obtain the game information from the card (§ [0103]: *admission ticket*), and a terminal transmission device configured to transmit the game information having been read to the master reception device (24). Nguyen does not specifically disclose wherein each of the plurality of game apparatuses, when receiving time information during the ongoing game, is allowed to read and transmit game information recorded in a card to the game apparatus set as the master apparatus, the game progresses using the read game information. However, Blatter suggests wherein each of the plurality of game apparatuses, when receiving time information during the ongoing game, is allowed to read and transmit game information recorded in a card to the game apparatus set as the master apparatus, the game progresses using the read game information (§ [0045]: *control codes are read from the card during special mode*). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nguyen and Blatter in order to allow for custom functionality of the game terminal during tournament play.

Art Unit: 3718

Regarding claim 2, Nguyen teaches wherein the rejection device rejects the reception of the game information further transmitted from the game apparatus that is a sender of the game information already received by the master reception device even before the elapse time determination device determines that the set time elapses (§ [0109] lines 9-12).

Regarding claim 3, Nguyen teaches wherein the number of the plurality of game apparatuses is two (§ [0023]: *one or more gaming units*).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Blatter and Yap et al (US 2002/0020745 A1) (hereinafter “Yap”).

Regarding claim 4, it is noted that neither Nguyen nor Blatter teaches a card which has three or more sides and has the game information printed on a same face along the respective sides. However, Yap teaches a card which has three or more sides and has the game information printed on a same face along the respective sides (Figs. 2-5). Hence, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Nguyen, Blatter, and Yap in order to allow for the interior of the card to be large enough to house a hard drive, thus increasing the volume and complexity of the information that could be stored.

Response to Arguments

9. Applicant's arguments filed on 03/14/2012 have been fully considered but they are not persuasive.

Applicant argues:

Nguyen does not anticipate the claimed invention because Nguyen does not disclose a master apparatus including a master reception device that is controlled to (i) receive game information from a card used by a player when a start determination device determines to start a specific time during an ongoing game and (ii) reject reception when an elapse time determination device determines that a set time elapses during an ongoing game ... the tournament server in Nguyen does not receive any game information during an ongoing game as recited by Applicants. Instead, a proper reading of Nguyen makes clear that the games are played on individual gaming units without any interaction with the tournament server.

Art Unit: 3718

Examiner respectfully disagrees. The tournament server in Nguyen does exchange information periodically with the gaming machines, as elucidated in paragraph [0121] of Nguyen:

Additionally, the player's current score may be reported once, several times, or numerous times, during the player's participation in tournament. Using this information, the tournament server may be able to provide tournament players with current standings while the tournament is in progress.

The scoring information can be communicated directly to the individual gaming machines (§ [0093]). As Examiner has construed the recited "ongoing game" as the gaming tournament, standings and scores are directly related to the conduct of the game. Therefore, Examiner respectfully submits that Nguyen discloses this feature.

Applicant next argues:

Blatter fails to disclose or suggest any "specific time" used to collect the game information from an aggregation of game apparatuses as recited in currently amended claim 1. Specifically, Blatter fails to teach or suggest a master reception device that is controlled to receive game information from a card used by a player when a start determination device determines to start a specific time during an ongoing game and (ii) reject reception when an elapse time determination device determines that a set time elapses during an ongoing game..

Blatter discloses a gaming card that can be used to add features or special functionality to a gaming machine (Abstract), and a gaming machine which can exchange game information with a server (§§ [0032] – [0034]). During the time the card is being used, the game proceeds using control codes read from the card (§ [0045]). The cards can have an expiration date, after which the control codes are no longer used, and the gaming machine resumes its normal functioning (§ [0061]). The fact that Blatter does not specifically teach a card with a starting time is not relevant since it is only being cited for its disclosure of game information being read from a card and transmitted to a master apparatus (server). Examiner respectfully submits that this disclosure, along with the cited portions of Nguyen, is sufficient to render claim 1 obvious.

Conclusion

10. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and

Art Unit: 3718

art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Rowland whose telephone number is (571) 270-7844. The examiner can normally be reached on Monday through Thursday, alternate Fridays, 8:30 am to 6:00 pm, Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Peter Vo can be reached at (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 3718

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. R./

Examiner, Art Unit 3718

/Peter DungBa Vo/

Supervisory Patent Examiner, Art Unit 3718